

The dispute at the preliminary hearing and on appeal is whether claimant suffered a new injury in February 1996 or whether the symptoms experienced at that time were merely residual effects of a prior injury. The evidence established that claimant first suffered injury to his low back at work in 1991 and thereafter experienced several instances of increased symptoms, including low-back and left-leg pain. Claimant testified that in February 1996 he experienced numbness down both legs while pulling cable onto a plane. He described his symptoms as "different than they were before, although they were still pretty much in line with what I had been dealing with over the past few years." The record also includes records from Dr. Jacob Amrani who initially describes the incident in February as an acute aggravation of the problem that he experienced in 1991. Dr. Amrani later indicates that the positive EMG results and other complaints are residual from the injury of 1991.

The Order by the Special Administrative Law Judge required respondent and its insurance carrier in February 1996 to pay medical expenses and indicates that apportionment of expenses between insurance carriers can be accomplished, if necessary, at the time of regular hearing. The Appeals Board concludes from its review of the evidence that the incident of February 1996 constituted an aggravation of claimant's preexisting condition. Whether this aggravation will ultimately result in an additional permanent disability remains to be determined. However, the current need for medical treatment appears to be related to that aggravation and respondent has appropriately been required to pay those medical expenses treating the date of accident as February 1996.

**WHEREFORE**, the Appeals Board finds that the Order of Special Administrative Law Judge Michael T. Harris should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of August 1996.

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BOARD MEMBER

c: Norman I. Cooley, Wichita, KS  
Vaughn Burkholder, Wichita, KS  
Michael T. Harris, Special Administrative Law Judge  
Philip S. Harness, Director